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SEP 14 2006

Remarks

Claims 1-24, 27, and 38-53 are pending in the application. Claims 18-24, 27 and 46-53 have been withdrawn from consideration. Claims 2, 3, 5, 6, and 10 have been amended. No new matter has been added by virtue of this amendment. Reconsideration of the application as amended is requested.

Claim Rejections—35 U.S.C. § 112, second paragraph

The Examiner rejects claims 1-17, 38, 39, and 40-45 under 35 U.S.C. § 112, second paragraph as being indefinite. In claims 1 and 40 regarding the phrase, "a standard letter sized hanger separation length." Applicant would respectfully ask the Examiner to consider that "letter size" paper and letter sized hanging folders have definite dimensions that are universal. Letter size is a term that means 8 1/2 by 11 inches. A standard letter sized hanging file folder has a dimension that is about 12 1/8 inches and fits a box having a dimension that is 12 1/4 inches wide, as shown in the attached advertisement for a "letter size hanging folder file" from the web site Amazon.com. It is seen in this advertisement that the hangers of the five included standard hanging files rest on the edges of the box. The center to center spacing of the two box edges must be slightly less than this 12 1/4 inch outside box dimension. Standard letter sized hanging file folders have this standard center to center dimension so they can fit in such standard letter sized boxes and file drawers. Thus, the phrase "a standard letter sized hanger separation length," defines a definite length.

Applicant has amended the claims so that the phrase that read "in the range from about " now reads "in the range from" as requested by the Examiner.

Claim Rejections—35 U.S.C. § 103(a)

The Examiner rejects claims 1-17, 38, 39 and 40-45 under 35 U.S.C. § 103(a), as being unpatentable over MacKelvie in view of Youngs.

The Examiner identified three differences between the invention of claim 1 and MacKelvie: (1) permanently fixed hangers, (2) the hanger separation length is unspecified, and (3) a removable envelope is employed for holding the planar object.

With regard to the third difference, the Examiner notes that "Youngs teaches that it is well known to those skilled in the art to employ envelope 10 with media disks to prevent damage to the object." The Examiner states that "it would have been obvious to one of ordinary skill in the art to modify the filing system of MacKelvie by providing an envelope as suggested by Youngs, in order to prevent smudging, scratching or other

damage to the media disc.”

Applicant would respectfully ask the Examiner to consider that MacKelvie states, “In all embodiments, an opening or aperture made in the center of the looped bottom prevents round media such as CDs from accidentally rolling out of the pockets” (abstract). MacKelvie repeats this point in the background on column 1, lines 29-32, the summary, column 1, lines 52-54, and the detailed description, column 3, lines 58-63. While providing a protective envelope would also prevent the CD from rolling out, doing so would defeat the purpose of MacKelvie’s aperture in all his embodiments. Thus, MacKelvie teaches against the idea of using an envelope of any type for holding the planar object. MacKelvie provided the aperture at the bottom of the file folder so as to provide a one-layer solution that “reduces the cost and bulk of hanging files” for holding and protecting the CD (column 1 line 32).

Furthermore, there is no teaching or suggestion in either reference of the desirability of combining the hanging file protective method of MacKelvie with the envelope protective method of Youngs. Both MacKelvie and Youngs teach that their separate method alone is adequate and there is no reason given in either reference to add more.

Nor is there teaching or suggestion in either reference to provide a combination of hanging file folder and protective envelope matched in size to each other and to an object, with the object located inside the protective envelope which is located inside the hanging file folder, and all three having a length that is less than half a standard letter sized hanger separation length.

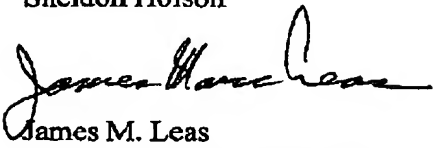
Claim 40 has a similar limit as claim 1.

Thus, the rejection of claims 1-17, 38, 39, and 40-45 under 35 U.S.C. § 103(a), has been traversed.

Conclusion

Reconsideration of the application as amended is requested. If there are any questions please call applicant’s attorney at 802 864-1575.

Respectfully submitted,
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Amazon.com: DecoFlex Letter Size Hanging Folder File, 12-1/4w x ... [http://www.amazon.com/DecoFlex-Letter-Size-Hanging-Folder/dp/..](http://www.amazon.com/DecoFlex-Letter-Size-Hanging-Folder/dp/)

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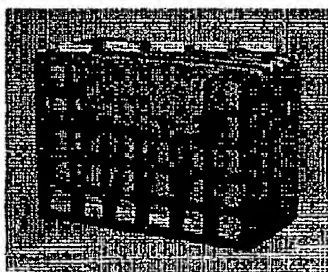


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12-1/4w x 6d x

9-1/2h, Black

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Product Description

Product Description

Item #: **ESS23013**. DecoFlex Hanging Folder File

Holds letter size files up to 6" capacity. Hand holes for carrying. Includes five Pendaflex hanging folders, tabs and inserts. Durable plastic construction. **12-1/4w x 6d x 9-1/2h**.

Black

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